

AO 440 (Rev. 03/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

Northern District of California

E-filing

Acutron, Inc.

Plaintiff

v.

Matson Navigation Company, Inc., et al

Defendant

CV 08 2600

Civil Action No.

MEJ

Summons in a Civil Action

To: Please See Attachment A

(Defendant's name)

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Please See Attachment A

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

MAY 22 2008

Date: _____

Richard W. Wieking

Name of clerk of court

Deputy clerk's signature

MARY ANN BUCKLEY

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on _____,
by:

(1) personally delivering a copy of each to the individual at this place, _____; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with _____
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is
_____; or

(4) returning the summons unexecuted to the court clerk on _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 _____.

Date: _____

Server's signature

Printed name and title

Server's address

ATTACHMENT A

MATSON NAVIGATION COMPANY, INC.

Berth 67-68
One Market Street
Oakland, CA 94607

ALEXANDER & BALDWIN, INC.

822 Bishop Street
Honolulu, Hawaii 96813-3924

HORIZON LINES, LLC

4064 Colony Road, Suite 200
Charlotte, NC 28211

LAURENCE D. KING, ESQ. (206423)

KAPLAN FOX & KILSHEIMER LLP

350 Sansome Street, Suite 400

San Francisco, California 94104

Document 6-2 (415) 772-6170

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Ref. No. Or File No.

W2497210

Attorneys for: PLAINTIFF

Insert name of court, judicial district and branch court, if any:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff:

ACUTRON, INC.

Defendant:

MATSON NAVIGATION COMPANY, INC., et al.

PROOF OF SERVICE

Date:

Time:

Dept/Div:

Case Number:

CV082600 MEJ

I, Scot Smith, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, over the age of eighteen, and not a party to the within action;

I served the: SUMMONS IN A CIVIL ACTION; CIVIL COVER SHEET; CLASS ACTION COMPLAINT; CERTIFICATE OF INTERESTED PARTIES; DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES JUDGE; ECF REGISTRATION INFORMATION HANDOUT; NOTICE OF ASSIGNMENT OF CASE TO A US MAGISTRATE JUDGE FOR TRIAL; CONSENT TO PROCEED BEFORE A US MAGISTRATE JUDGE; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; WELCOME TO THE US DISTRICT COURT

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Defendant : MATSON NAVIGATION COMPANY, INC.

By Serving : SLOAN WHITE, Assistant General Council/Authorized to Accept Service of Process

Address : 555 12th Street, Suite 700 , Oakland, California 94607

Date & Time : Friday, May 23, 2008 @ 3:20 p.m.

Witness fees were : Not applicable.

Person serving:

Scot Smith

Wheels of Justice, Inc.

657 Mission Street, Suite 502

San Francisco, California 94105

Phone: (415) 546-6000

a. Fee for service:

d. Registered California Process Server

(1) Employee or independent contractor

(2) Registration No.: 667

(3) County: Contra Costa

(4) Expires:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 23, 2008

Signature: Scot Smith

Scot Smith



Attorney Or Party Without Attorney (Name and Address): LAURENCE D. KING, ESQ. (206423) KAPLAN FOX & KILSHEIMER LLP 350 Sansome Street, Suite 400 San Francisco, California 94104		Telephone: (415) 772-4700		FOR COURT USE ONLY Page 1 of 1	
Attorneys for: PLAINTIFF		Ref. No. Or File No. W2497212			
Insert name of court, judicial district and branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA					
Plaintiff: ACUTRON, INC.					
Defendant: MATSON NAVIGATION COMPANY, INC., et al.					
PROOF OF SERVICE		Date:	Time:	Dept/Div:	Case Number: CV082600 MEJ

I, **Scot Smith**, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, over the age of eighteen, and not a party to the within action;

I served the: SUMMONS IN A CIVIL ACTION; CIVIL COVER SHEET; CLASS ACTION COMPLAINT; CERTIFICATE OF INTERESTED PARTIES; DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES JUDGE; ECF REGISTRATION INFORMATION HANDOUT; NOTICE OF ASSIGNMENT OF CASE TO A US MAGISTRATE JUDGE FOR TRIAL; CONSENT TO PROCEED BEFORE A US MAGISTRATE JUDGE; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; WELCOME TO THE US DISTRICT COURT

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Defendant : **ALEXANDER & BALDWIN, INC.**

By Serving : **SLOAN WHITE, Assistant General Council/Authorized to Accept Service of Process**

Address : **555 12th Street, Suite 700 , Oakland, California 94607**

Date & Time : **Friday, May 23, 2008 @ 3:20 p.m.**

Witness fees were : **Not applicable.**

Person serving:

Scot Smith

Wheels of Justice, Inc.

657 Mission Street, Suite 502

San Francisco, California 94105

Phone: (415) 546-6000

a. Fee for service:

d. Registered California Process Server

(1) Employee or independent contractor

(2) Registration No.: 667

(3) County: Contra Costa

(4) Expires:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 23, 2008

Signature: *Scot Smith*

Scot Smith



Attorney or Party without Attorney: LAURENCE D. KING ESQ. KAPLAN FOX & KILSHEIMER LLP 350 SANSOME STREET SUITE 400 SAN FRANCISCO, CA 94104 Telephone No: 415-772-4700			For Court Use Only		
Attorney for: Plaintiff			Ref. No. or File No.: ACUTRON INC.		
Insert name of Court, and Judicial District and Branch Court: United States District Court, Northern District Of California					
Plaintiff: ACUTRON, INC., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARL Defendant: Matson Navigation Company, Inc., Alexander & Balwin, Inc, And Horizon Lines, Llc.					
PROOF OF SERVICE SUMMONS & COMPLAINT		Hearing Date:	Time:	Dept/Div:	Case Number: CV082600MEJ

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS AND COMPLAINT; CERTIFICATE OF INTERESTED PARTIES; DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE; WCE REGISTRATION INFORMATION HANDOUT; NOTICE OF ASSIGNMENT OF CASE TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL; CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; CONSENT TO ASSIGNMENT OR REQUEST FOR REASSIGNMENT; DROP BOX FILING PROCEDURES.
3. a. Party served: HORIZON LINES, LLC
 b. Person served: MARGARET WILSON, AGENT FOR SERVICE OF PROCESS.
4. Address where the party was served: 818 WEST 7TH STREET
 SUITE 200
 LOS ANGELES, CA 90017
5. I served the party:
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Tue., May. 27, 2008 (2) at: 2:45PM
7. Person Who Served Papers:
 - a. DOUGLAS FORREST
 - d. **The Fee for Service was:** Recoverable Cost Per CCP 1033.5(a)(4)(B)
 - e. I am: (3) registered California process server
 - (i) Independent Contractor
 - (ii) Registration No.: 5141
 - (iii) County: Los Angeles



BEVERLY HILLS EXPRESS
 350 S. FIGUEROA STREET, SUITE 272
 LOS ANGELES, CA 90071
 (213) 346-1000, FAX (213) 346-1010
 BEVERLYHILLSEXPRESS.COM

8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Wed, May. 28, 2008